

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Brian Eugene Baldwin et al.

Serial No.: 09/928,007

Filed: August 10, 2001

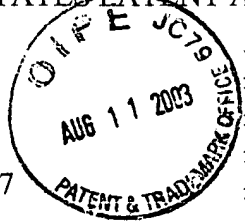
Confirmation No.: 6430

Atty. File No.: 50012-00004

For: METHOD, SYSTEM, AND APPARATUS
FOR HANDLING, LABELING, FILLING
AND CAPPING SYRINGES

Group Art Unit: 3721

Examiner: Brian D. Nash



CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: <u>Aug 8, 2003.</u>	
MARSH FISCHMANN & BREYFOGLE LLP	
By:	<u>Michelle L. Wyss</u>

DECLARATION UNDER 37 CFR §1.132 OF BRIAN E. BALDWIN

I, **Brian E. Baldwin**, state:

1. That I received a Bachelor of Science degree in Mechanical Engineering and a Master of Science Degree in Industrial Engineering from Northwestern University, in 1954 and 1955 respectively.

2. That I have had 46 years of work experience in connection with the design and production of medical products for fluid medication administration, including the following positions:

a. Product Development Engineer, American Hospital Supply Corp., a provider of various medical products including hypodermic syringes and needles, 1956 to 1958.

b. Founder and President of Manufacturing, Process Laboratories, Inc., a provider of hypodermic needles and prefilled syringes, 1958 to 1974; and

c. Founder and President, Baxa Corporation, a provider of syringes for oral liquid medications and intravenous drug administration, and automated systems for the preparation and administration of fluid medications, 1975 to 1997.

3. That based on the foregoing, I believe I have at least ordinary skill in the field of medical products for fluid medication administration.

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4. That I am a co-inventor of and understand the specification and pending Claim 1 of the above-identified patent application, said Claim 1 being directed to an apparatus adapted for automated handling, comprising a plurality of syringe bodies and a flexible belt attached to the barrels of the syringe bodies, wherein the syringe bodies are disposable in a predetermined orientation with at least one end of each barrel being accessible, a copy of pending Claim 1 being attached hereto as **Appendix A** ("Pending Claim 1").

5. That, on information and belief, at the time of invention of Pending Claim 1, it was not known in the field of medical products for fluid medication administration to utilize an apparatus in which a plurality of syringe bodies were attached to a flexible belt, as specified in Pending Claim 1.

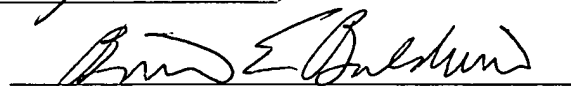
6. That I have reviewed U.S. Patent No. 3,823,818 to Shaw.

7. That, based on my review, Shaw is directed to thermoplastic container blow-molding (e.g. bottles) utilizing unfinished preforms, and is not directed to an apparatus adapted for automated handling of medical products for fluid medication administration, including in particular syringe bodies interconnected by a flexible belt.

8. That, in my opinion, as of the time of invention of Pending Claim 1, Shaw does not render obvious the invention of Pending Claim 1.

I HEREBY DECLARE THAT all statements made herein, of my own knowledge, are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

DATED this 8th day of July, 2003.



Brian E. Baldwin

APPENDIX A

Pending Claim 1 of U.S. Patent Application No. 09/928,007, filed August 10, 2001, entitled
“METHOD, SYSTEM, AND APPARATUS FOR HANDLING, LABELING, FILLING AND
CAPPING SYRINGES”

1. (Currently Amended) An apparatus adapted for automated handling,
comprising:

a plurality of syringe bodies, each comprising a barrel; and,

a flexible belt fixedly attached to each said barrel of said plurality of syringe bodies,
wherein said plurality of syringe bodies are positionable in a predetermined orientation and at
least one end of each said barrel of said plurality of syringe bodies is accessible.